Response to Office Action of: 08/18/2006

Response Dated: 09/13/2006

Title: Expandable Penetrating Needle And Method Of Use

App. No.: 10/614,667 Inventor: Victor Katz

Examiner: Cris L. Rodriguez

REMARKS/ARGUMENTS

Election Requirement

In furtherance to Applicant's previous election, with traverse, of the

species identified by the Examiner as being embodied in Figures 4a-5c of the

present application, Applicant further states that claims 1, 2, 5, 6, 7-12, 15-17,

20-29 and 32-34 are readable on such species. Applicant inadvertently omitted

this listing of claims in its first response to the Examiner's election/restriction

requirement.

Applicant continues to maintain, however, that Species I and Species II,

as identified by the Examiner, should be examined together in the present

application. Consequently, Applicant reiterates its request that the Examiner

withdraw the election requirement.

Respectfully submitted,

Date: <u>09/13/2006</u>

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